IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST) NO. 10577 OF 2006
IN
WRIT PETITION NO. 7445 OF 2005

D.N. Samant ... Petitioner

V/s

Central Bank of India & anr. ... Respondents

Mr. C.S. Joshi for the petitioner.

Mr. R.L. shetia for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 2ND MAY, 2006

P.C.:

1. Heard both sides. Perused the record.

2. This review petition is filed against the order passed by this Court in Writ Petition No. 7445 of 2005, dated 26.4.2006 which reads thus -

> "1. Heard learned counsel for the petitioner. Advocate for respondent not present.
>
> 2. Rule.
>
> 3. Pending the petition interim relief is granted in terms of prayer clause (b)."

3. Now, this review petition is sought against the said order on two points. Firstly, it was submitted that this Court is assigned with the Rent Act matters and in fact it is a matter under Transfer of Property Act and, therefore, this Court should not have taken up the matter. In this regard, it must be noted that this matter is assigned by the office to this Court under the caption of Bombay Rent Act. Moreover, this matter came up for admission on 25.4.2006 at which time the advocate for the present review petitioner was not present and, therefore, the matter was adjourned to 26.4.2006. On 26.4.2006 when the matter was again called out, the advocate for the present petitioner was also not present and, therefore, the advocate for the respondents was heard at length and on the basis of the facts and circumstances involved in the petition, the petition came to be admitted and Rule was issued on merits. After the order was passed, the advocate for the present review petitioner rushed in the Court and sought review of the order orally. However, it was not allowed. Hence, the present review petition is filed.

4. In this regard, it is to be noted that even assuming that the matter is not under Bombay Rent Act but any other

Act, however, it is needless to mention that the assignments are for the administrative convenience and that cannot take away the jurisdiction of the Single Judge in entertaining the writ petitions under any other Act. Moreover, the matter was assigned to this Court by the office under the caption of Rent Act and, therefore, this Court had no reason to go into other aspects.

5. Therefore, on both counts the review petition is not maintainable and stands dismissed with no order as to costs.

.....